

Remarks

Claims 1-28 are pending, and claims 1-28 stand rejected. The Applicants respectfully traverse the rejection and request allowance of claims 1-28.

Response to Examiner's Comments

In section 1 of the Office action, the Examiner responded to the Applicants' previous arguments. The Applicants wish to address the Examiner's comments. The Examiner states that Busuioc teaches determining a qualification of a communication device to receive a broadband wireless service because (1) Busuioc teaches that a user requests service as it travels between fixed and mobile networks, (2) Busuioc inherently determines qualification of a communication device since Busuioc continuously updates the resource configuration to deal with changes of delivery, and (3) Busuioc discloses that at least one user will have access to one or both of the networks. The Applicants disagree.

To address point (1) by the Examiner, the customer in Busuioc is mobile and can move from one service area to another.

To address point (2), the teaching in Busuioc is at the network level, not the device level. To provide services to one or more devices, Busuioc teaches different agents in the networks (such as Fixed Network Agents, Cell Agents, Customer Agents, etc) that communicate with one another to handle situations such as when a customer travels from one service area to another. The resource configuration that is updated (as mentioned by the Examiner) is the resource configuration of the networks, not the customer's device. Ultimately, the customer's device in Busuioc would not even know that the new resource configuration happened. Busuioc never discusses whether or not the customer's device is capable of receiving a service before the service is provided. Busuioc never discusses making a determination of whether the communication device is capable of receiving broadband wireless service. Busuioc is concerned with whether the networks can provide the service requested by the customer's device, and not with identifying if the customer's device is capable of receiving the service. Therefore, based on the teaching in Busuioc it is not inherent to first determine if the communication device is qualified to receive a broadband wireless service. What would be inherent, if anything, is that if a customer's device is not capable of receiving a service, then the device would not receive the

service. There would be no previous determination as proposed in the pending application to see if the device is capable of receiving the service.

To address point (3), it does not matter that a service may be provided through multiple networks. That has no bearing on whether or not a communication device is capable of receiving a broadband wireless service.

The Examiner lastly states that the disclosure anticipates that a communication device is qualified before service should be rendered, such that the customer is able to access stored data. The Applicants agree with the Examiner to a point. If a device receives data from a service provider, then it is inherent that the device is qualified to receive the service. However, this is not what the claims of the pending application claim. The claims are concerned with determining if a device is qualified to receive a broadband wireless service. Thus, if the device is qualified, then it can receive the service as suggested by the Examiner. If the device is not qualified, then the customer can be told what upgrades the device needs in order to receive the service, where to get the upgrades, etc. All in all, the Examiner maintains that because a device receives a service, then there must have been a determination of the requirements of the service, the configuration of the device, and a comparison of the requirements of the service and the configuration of the device (see claim 1 of the pending application). This is an improper assumption and a stretch by the Examiner. Busuioc does not suggest an inquiry into the requirements of a service and the configuration of a device previous to providing the service, and the Applicants suggest that those skilled in the art would not leap to such a conclusion upon a fair reading of Busuioc.

The Applicants ask the Examiner to reconsider her arguments. If the claims of the pending application are not allowable, surely the Examiner can find art that discusses what happens before a device receives a service instead of relying on a reference that only discusses what happens after a device receives a service.

§ 102 Claim Rejections

The Examiner rejected claims 1-4, 6-7, 10-14, 16-18, 21-24, and 27-28 under 35 U.S.C. § 102 as anticipated by U.S. Patent number 6,151,309 (Busuioc). The Applicants submit that claims 1-4, 6-7, 10-14, 16-18, 21-24, and 27-28 are novel and non-obvious over Busuioc.

Claim 12 provides:

A method of qualifying communication devices for broadband wireless services, the method comprising:
identifying requirements of a broadband wireless service;
executing an application to determine configuration information for a first communication device;
and
performing a comparison of the configuration information to the requirements of the broadband wireless service to determine if the first communication device is qualified to receive the broadband wireless service.

Claim 12 describes a method of qualifying communication devices for broadband wireless services. In other words, the communication devices do not already have the broadband wireless services, and the users of the communication devices want to get the broadband wireless services through the communication devices. Claim 12 describes a method of determining if the communication devices are qualified to receive the broadband wireless service before the broadband wireless service is requested. Busuioc does not discuss determining if a communication device is qualified to receive a broadband wireless service. The services are already provided to the devices in Busuioc. The teaching in Busuioc is at the network level, not the device level. Busuioc teaches how to operate a network to provide services, not how to determine whether or not a device is capable of receiving a service. Thus, Busuioc is fundamentally different than claim 12.

Busuioc also does not teach all of the claim limitations of claim 12. Claim 12 describes the limitation of "*performing a comparison of the configuration information to the requirements of the broadband wireless service to determine if the first communication device is qualified to receive the broadband wireless service*". Busuioc does not teach this limitation. Busuioc almost exclusively deals with issues that arise once a service is established. For instance, Busuioc describes how to deal with bandwidth issues if a mobile user moves from a high-bandwidth cell to a low bandwidth cell. See Busuioc, column 5, lines 57-64. Busuioc does not teach comparing configuration information for a communication device to the requirements of a broadband wireless service to determine if the communication device is qualified to receive the service (i.e., determine if the communication device is qualified before the communication device can receive the service). In rejecting this limitation, the Examiner cites column 1, lines 47-63, column 4, lines 7-13, and column 6, lines 36-41 in Busuioc. The Applicants ask the Examiner to re-read

these sections, as these sections in no way teach determining a qualification of a communication device to receive a broadband wireless service by comparing configuration information for the communication device and the requirements of the broadband wireless service.

Busuioc clearly does not anticipate the claims of the pending application. The Examiner's reliance on the "inherencies" of Busuioc to reject the claims make Busuioc a § 103 reference at best. Because Busuioc fails to teach the limitations of claim 12, the Applicants submit that claim 12 is novel and non-obvious over Busuioc. The same argument applies for independent claims 1 and 23, and dependent claims 2-4, 6-7, 10-11, 13-14, 16-18, 21-22, 24, and 27-28.

§ 103 Claim Rejections

The Examiner rejected claims 5, 8-9, 15, 19-20, and 25-26 under 35 U.S.C. § 103 in view of Busuioc and U.S. Patent number 6,529,936 (Mayo). The Applicants submit that claims 5, 8-9, 15, 19-20, and 25-26 are novel and non-obvious for the same reasons provided above.

Conclusion

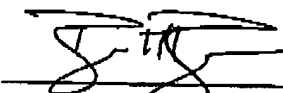
Based on the above remarks, the Applicants submit that claims 1-28 are allowable. There may be additional reasons in support of patentability, but such reasons are omitted in the interests of brevity. The Applicants respectfully request allowance of claims 1-28.

Any fees may be charged to deposit account 21-0765.

Respectfully submitted,

Date:

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